

1 TODD M. LEVENTHAL, ESQ
Nevada Bar No. 008543
2 600 South Third Street
Las Vegas, Nevada 89101
3 (702) 384-1990
4

5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
7

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 vs.)
11 SAMUEL DAVIS,)
SHAWN RICE)
12 Defendant.)
13

CR-S-09-078-JCM(RJJ)

**STIPULATION TO CONTINUE
TIME FOR TRIAL AND MOTIONS
DEADLINES**

14 IT IS HEREBY STIPULATED AND AGREED by and between Defendant, SAMUEL
15 DAVIS, by and through his stand by counsel, TODD M. LEVENTHAL, ESQ., and the United
16 States of America, by its counsel, GREGORY DAMM, Assistant U.S. Attorney, that the trial in
17 the above-captioned matter be reset to December 13, 2010.

18 This Stipulation is entered into for the following reasons:

19 1. Mr. Davis, Counsel for the Government and the Court have met and indicated that a
20 trial date of December 13, 2010 is a date that works for trial scheduling purposes.

21 2. Mr. Davis is not in custody and agrees with this continuance.

22 3. Mr Rice is in warrant status at this time.

23 4. Additionally, denial of this request for a continuance could result in a miscarriage of
24 justice.

25 //

26 //

27 //

28

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

DATED this 12TH day of November, 2010.

-S-
TODD M. LEVENTHAL, ESQ.
Counsel for defendant

-s-

GREGORY DAMM ESQ.
Assistant U.S. Attorney

1 TODD M. LEVENTHAL, ESQ.
Nevada Bar No. 008543
2 600 South Third Street
Las Vegas, Nevada 89101
3 (702) 384-1990

4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,)
8)
Plaintiff,)
9)
vs.)
10)
SAMUEL DAVIS,)
11 SHAWN RICE)
Defendant.)
12 _____)

CR-S-09-078-JCM-(RJJ)

**FINDINGS OF FACTS AND
CONCLUSIONS OF LAW**

13
14 **FINDINGS OF FACT**

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

15 1. Mr. Davis, Counsel for the Government and the Court have met and indicated that a
16 trial date of December 13, 2010 is a date that works for trial scheduling purposes.

17 2. Mr. Davis is not in custody and agrees with this continuance.

18 3. Mr Rice is in warrant status at this time.

19 4. Additionally, denial of this request for a continuance could result in a miscarriage of
20 justice.

21 5. The additional time requested by this Stipulation is excludable in computing the time within
22 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
23 Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States Code,
24 Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).
25
26
27
28

1 **CONCLUSIONS OF LAW**

2 Based on the fact that counsel for the defendant needs additional time within which to
3 prepare the case for trial, defendant does not object to the continuance sought herein, denial of
4 this request for continuance would deny the parties sufficient time to resolve the case and
5 otherwise prepare for trial should negotiations fail. Additionally, denial of this request for a
6 continuance could result in a miscarriage of justice.

7 1. The additional time requested by this Stipulation is excludable in computing the time
8 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
9 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States
10 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

11
12 **ORDER**

13 Accordingly, IT IS SO ORDERED that trial setting is vacated and the same is
14 continued and reset for _____, 200__, at the hour of 8:30 a.m., in courtroom
15 #_____. (Stacked trial setting.)

16 IT IS FURTHER ORDERED that the Calendar Call in this matter is reset for
17 _____, 200__, at the hour of _____, in Courtroom #_____

18
19 Dated this _____ day of November, 2010.

20
21
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28